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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/594,094	09/25/2006	Venkatram P. Shastri	RCHP-139US	7026
23122	7590	12/12/2008		
RATNERPRESTIA P.O. BOX 980 VALLEY FORGE, PA 19482			EXAMINER TENTONI, LEO B	
			ART UNIT 1791	PAPER NUMBER
			MAIL DATE 12/12/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/594,094	SHASTRI ET AL.	
	Examiner	Art Unit	
	Leo B. Tentoni	1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 19-21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 22-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08282008</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

1. Claims 19-21 remain withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 16 April 2008.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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4. Claims 1-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski et al (U.S. Patent 4,054,625 A) in combination with Hsieh et al (U.S. Patent Application Publication 2004/0241436 A1) for the reasons of record.

5. Claims 1-11, 15-18, 23 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozlowski et al (U.S. Patent 4,054,625 A) in combination with Miyamoto et al (U.S. Patent Application Publication 2006/0194036 A1) for the reasons of record.

6. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S. Patent Application Publication 2002/0100725 A1) for the reasons of record.

7. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al (U.S. Patent Application Publication 2002/0100725 A1) in combination with Kozlowski et al (U.S. Patent 4,054,625 A) for the reasons of record.

Response to Arguments

8. Applicant's arguments filed on 06 October 2008 have been fully considered but they are not persuasive.

9. Applicant argues (pages 6 and 7) that the rejection does not establish obviousness because it proposes no reason that would have prompted the person of ordinary skill to increase the surface area of Kozlowski's fibers. Examiner responds that one application of Kozlowski's fibers is the manufacture of nonwoven webs and Hsieh et al also teaches that one application of their

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fibers (which are polymer-based, porous and have a high surface area) is the manufacture of nonwoven webs.

10. Applicant argues (page 7) that while Hsieh et al teaches continuous fibers, Kozlowski et al teaches discrete fibers and that continuous fibers are undesirable for the purpose of their invention. Examiner responds that Kozlowski et al teaches the formation of "relatively discrete fibers", which does not completely exclude the formation of continuous fibers. Kozlowski et al also teaches that manufacture of continuous fibers by the use of an emulsion is well-known in the prior art. Furthermore, the instant claims do not specify that the fibers are either discrete or continuous.

11. Applicant argues (pages 7 and 8) that Miyamoto et al teaches fibers having an inside diameter of 2 mm and that Miyamoto et al does not enable the person of ordinary skill to make fibers having an internal cavity and a diameter of at most 10 microns as claimed. Examiner responds that Miyamoto et al teaches forming porous or hollow fibers (i.e., fibers having an internal cavity) having a diameter of 0.05 to 50 microns by various methods (including electrospinning).

12. Applicant argues (pages 8 and 9) that Lee et al does not teach electrospinning an emulsion. Examiner responds that Lee et al teaches mixing a polymer solution with an emulsion, which is then electrospun to form fibers. There is no indication that the emulsion is eliminated or changed into a state which is different from an emulsion prior to electrospinning.

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13. Applicant argues (page 9) that there is no indication that the fibers of Lee et al do not already have superior strength, and there is no teaching in Lee et al of the need to improve fiber strength. Examiner responds that both Lee et al and Kozlowski et al teach the use of their fibers in the manufacture of polymer webs, and improvement of fiber properties (including strength, but limited to just strength) would be desirable to one of ordinary skill in the art at the time the invention was made.

Conclusion

14. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo B. Tentoni whose telephone number is (571) 272-1209. The examiner

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can normally be reached on Monday - Friday (6:30 A.M. - 3:00 P.M.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina A. Johnson can be reached on (571) 272-1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Leo B. Tentoni/
Primary Examiner, Art Unit 1791